

RESPONSE TO MOTION TO STOP COST OF LIVING ADJUSTMENT
INSTRUCTIONS

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

STEP 1
**FILL OUT THE “RESPONSE TO MOTION TO STOP COST OF LIVING
ADJUSTMENT” FORM**

The purpose of this form is to request that the court deny the motion to stop the cost of living adjustment on child support / spousal maintenance.

The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order or your divorce or paternity decree, including:

- The county where your case is located (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner.
- The name of the Respondent.

If you are the Petitioner in the current order or decree you will be the Petitioner in this motion. If you are the Respondent in the current order or decree you will be the Respondent in this motion.

Fill in the name and last known address of the other party and the county attorney’s office.

Fill in the date, time, and location of the scheduled hearing, as indicated on the Notice of Motion and Motion. If the cost of living adjustment is only for child support, check the child support box. If the cost of living adjustment is for both child support and spousal maintenance, check both boxes.

Sign and date the last page. Include your address and telephone number.

STEP 2
FILL OUT THE “AFFIDAVIT IN SUPPORT OF RESPONSIVE MOTION” FORM

Fill in the top of the form the same way you did on your “Response to Notice of Motion and Motion To Stop Cost of Living Adjustment” form.

Fill in your name and check the box that indicates who you are in this action (either Petitioner or Respondent).

Check the same boxes you checked on your “Response to Motion to Stop Cost of Living Adjustment” (child support, spousal maintenance, or both).

Write out your reasons why the court should deny the request to stop cost of living adjustment on the child support / spousal maintenance obligation(s). Be specific in your reasons and indicate how your reasons are supported by law.

Sign the “Affidavit in Support of Responsive Motion” under penalty of perjury. By signing under penalty of perjury, you are stating the information in the Affidavit is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth.

<p style="text-align: center;">STEP 3 MAKE COPIES OF THE FORMS</p>
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After the forms are completely filled out, make three copies of the motion and three copies of your “Affidavit in Support of Responsive Motion to Stop Cost of Living Adjustment”, and three copies of any attachments. Keep one copy of each form and all attachments for yourself (be sure to bring your copies with you to court on the day of your hearing).

<p style="text-align: center;">STEP 4 HAVE COPIES OF THE DOCUMENTS SERVED ON THE OTHER PARTY AND COUNTY ATTORNEY’S OFFICE</p>
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You must arrange for the other party and the county attorney’s office to receive complete copies of all documents you have prepared for the hearing. This is called “service of process.” A copy of the motion, affidavit, and any attachments must be served upon all parties, either personally or by mail. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

Personal service: documents are hand delivered to the other party personally or by leaving the documents at the other party’s place of residence with some person who is of suitable age or discretion who also lives at the same residence. Documents must be hand delivered upon the other party (or his/her attorney if there is one) and the county attorney’s office at least 5 days before the hearing date.

Mail service: documents are mailed by first class U.S. mail to the other party at least 8 days before the hearing date.

If your documents are not timely served upon the other party (or his/her attorney) or the county attorney’s office, your motion may not be heard by the court.

NOTE! YOU CANNOT HAND DELIVER OR MAIL THE DOCUMENTS YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE DOCUMENTS FOR YOU.

STEP 5
COMPLETE THE "AFFIDAVIT OF SERVICE" FORM

The person who hand delivers or mails the documents must fill out an "Affidavit of Service" form for each party served.

The server must sign the "Affidavit of Service" under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.

STEP 6
FILE THE FORMS WITH COURT ADMINISTRATION
AND PAY ANY REQUIRED COURT FEE

File the documents with court administration in the county where your case is located as soon as practical but no later than 5 days before the scheduled hearing.

- The "Response to Notice of Motion and Motion to Stop Cost of Living Adjustment"
- The "Affidavit in Support of Responsive Motion to Stop Cost of Living Adjustment"
- The "Affidavit of Service".

Filing by facsimile: Any paper may be filed with the court by facsimile (fax). If documents are filed by fax, the documents must not be filed, but you must keep all documents and make them available to the court or any party upon request.

Confidential Form 11.2

You must file copies of all supporting documents (such as pay stubs, tax returns, or any other document that contains confidential information) and attach one Form 11.2 to supporting documents. Be certain to remove confidential numbers that appear on any other document not under cover of Form 11.2.

NOTE: If you fail to use the Form 11.2 cover sheet to protect confidential information in your supporting documents, the court may order you to pay additional court costs and other charges as a penalty for failing to follow the court rules.

Court Fees

You must be prepared to pay any court fee, if applicable, at the time of filing. If you did not pay an initial filing fee when this case first began, you will now need to pay the filing fee. If you cannot afford to pay the fee, you may ask a child support magistrate or judge for an order waiving the fee. You will need to fill out an In Forma Pauperis application (available from court administration or the court website) and file it with court administration. Your application will be reviewed by a child support magistrate or judge who will decide whether you must pay the fee. If the magistrate or judge does not sign an order that waives the fee, you must be prepared to pay the fee.

<p style="text-align: center;">STEP 7 APPEAR AT THE HEARING</p>

Come to court on the date and time scheduled for the hearing. Be sure to bring with you your copies of the motion to stop cost of living adjustment, your responsive motion, and all of your supporting papers.